Sectt. II-57—100,000—21-5-53.

Dev

(195) Department

13 SERIES.

G.O. No. 4868

Dated 3-11-1951

[Despatch Abstract.]

Factories Act 1948 - Persons employed in construction work
factories - Applicability of the Act -

GOVERNMENT OF MADRAS
ABSTRACT.
**

FACTORIES ACT, 1948 - Persons employed in construction works in factories - Applicability of the Act.

DEVELOPMENT DEPARTMENT.

G.O.MS.NO.4868 Dated: 3.11.51.
Read the following:-

From the Chief Inspector of Factories No.B.I.1544=/51 dated 16.5.1950.

ORDER:-

The Chief Inspector of Factories has raised the question whether persons employed in construction work in existing factories, not in any way connected with the manufacturing process, will be governed by the provisions of the Factories Act, 1948. The doubt has been raised bythe Chief Inspector of Factories on the assumption that the opinion of the Advocate General, Madras No.22, dated 22.2.32 is to the effect that all persons employed on construction work are also workers and are covered by the Factories Act. The opinion in question related to a ddifarent matter, viz., whether in the case where power is used only in one part of any premises, every part thereof can be regarded as a factory. Towards the end of his opinion, the Advocate-General incidentally said, with reference to the facts of the particular case, that the "erection" of the plant in that case was 'incidental to the supplying, generating or transforming of electrical energy! The Accountant General's opinion does not support thw view that even if a construction is not in any way connected with the manufactuing process, it is to be regarded as covered by the Act. Onthe other hand, the Accountant General expressly postulates the condition precedent of "the power being used in aid of the manufacturing process is complied with". The essential condition for the Factories Act to a ply inrelation to any worker is that the work on which he is engaged should be connected with the manufacturing process. The position is clarified further by the decisions of the English Courts (vide Murphy Vs. O'Donnell, (1905), 54, W.R. 149 and James Keith Ltd., Vs. Kirkwood, (1914), 51, Sc. L.R. 664, on the interpretation of the words "in aid of the manufacturing process". There are also passages in Redgrave's commentary on the English ~~Fact~~ Factories Act to the same effect. The Government are therefore advised that persons employed on construction in factories, not in any ~~way~~ way connected with the manufacturing process need not be treated as workers governed by the Act.

/By Order etc./

Sd.xx
Secretary to Government.

To
The Chief Inspector of Factories.

/True copy/

R Nagarajan 22.9.56
SUPERINTENDENT.
MADRAS RECORD OFFICE.

SS/25.9.

25.9.56